



# City of Carmel

## MINUTES

### Carmel Board of Zoning Appeals

#### Regular Meeting

Monday, May 24, 2010

6:00 pm

Council Chambers

**Present:** James Hawkins  
Kent Broach  
Earlene Plavchak  
Leo Dierckman (arrived late)  
Connie Tingley, Recording Secretary

**Staff members in attendance:** Christine Barton-Holmes, Planning Administrator  
Mike Hollibaugh, Director, Department of Community Services

**Legal Counsel:** John Molitor

#### Previous Minutes:

On a motion made by Kent Broach and seconded by James Hawkins:

**The Minutes for the meeting dated April 26, 2010 were approved as circulated.**

**MOTION CARRIED UNANIMOUSLY**

#### Department Report: Christine Barton-Holmes

- Item 1i, 646 Johnson Drive Appeal tabled indefinitely

#### Legal Report: John Molitor

- Report at end of meeting in case remaining Board members come
- According to rules, with only three members in attendance, Petitioners have opportunity to table to next meeting

#### Public Hearing:

##### 1h. Taggart Porch

The applicant seeks the following development standards variance approval:

**Docket No. 10040010 V      Section 5.04.D.1      Encroachment into rear yard setback**

The site is located at 5320 East 126<sup>th</sup> Street and is zoned S1/Single-family

Filed by Arthur Taggart, owner.

#### Present for Petitioner:

**Art Taggart**, owner – did not wish to table

- Porch to be on rear of house
- Approximate 12-foot variance

- Older house built in the 1930's with a series of renovations
- Site plan shown
- Porch footprint same as existing deck, not enlarged
- Elevations and floor plan of porch shown

**Public Hearing closed**

**Department Report:**

**Christine Barton-Holmes**

- Minor deviation
- House in middle of lot with large trees
- Any addition would need variance
- Trees will screen addition from adjoining properties

**Department recommended positive consideration**

**Motion:** On a motion made by James Hawkins and seconded by Earlene Plavchak:

**Docket No. 10040010 V, Taggart Porch, be approved.**

**MOTION CARRIED UNANIMOUSLY**

Leo Dierckman joined the meeting

**2h. 220 N. Rangeline Residential**

The applicant seeks the following use variance approval:

**Docket No. 10040007 UV Appendix A: Use Table Residential/mixed use in B1 District**

The site is located at 220 N. Rangeline and is zoned B1/Business within the Old Town Rangeline Road Subarea.

Filed by Joseph B. Sheets of JBS Holdings, LLC

**Present for the Petitioner:**

**Joe Sheets**, owner, 13738 Oakridge Road

- Owned property for eight years
- Use Variance from B1 to Mixed Use

**Public Hearing closed**

**Department Report:**

**Christine Barton-Holmes**

- Current B1 allows wide variety of business, office and retail uses
- Underlying zoning would be preserved
- Variance would allow wholly residential or partly residential uses
- Wide variety of mixed uses along Rangeline Road
- Mixed uses recommended by Comprehensive Plan

**Department recommended positive consideration**

**Discussion:**

- Permitted B1 uses only; no industrial

**Motion:** On a motion made by James Hawkins and seconded by Earlene:

**Docket No. 10040007 UV, 220 N. Rangeline Residential be approved with the Condition of B1 and/or residential uses.**

**MOTION CARRIED UNANIMOUSLY**

**I. Old Business**

**1i. 646 Johnson Drive Appeal TABLED INDEFINITELY**

The applicant seeks the following permit issuance appeal:

**Docket No. 09020014 Appeal Appeal of Permit No. 09010003 Accessory Structure Size**

The site is located at 646 Johnson Drive and is zoned R1/Single-family residential

Filed by: Howard & Holly Green; John & Beryl Colosimo; James & Laura Dunn; Judy Wagner; and Michael & Susan Shaw, neighbors.

**New Business**

**Legal Report:**

**John Molitor**

- Cell Tower litigation
  - Not able to settle
  - Court order to certify record by July 9
  - May need to discuss some items
- Executive Session at close of June 28 meeting to discuss case law
  - Earlene Plavchak not able to attend June meeting
  - Can direct any questions to John Molitor

**Adjournment**

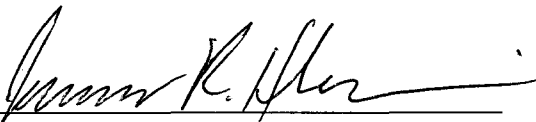
**Motion:** On a motion made by Earlene Plavchak and seconded by James Hawkins:


**The Meeting be adjourned.**

**MOTION CARRIED UNANIMOUSLY**

The meeting adjourned at 6:20 PM.

Approved this 26th day of July 2010.

  
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President - James R. Hawkins

  
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Secretary - Connie Tingley